

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

RUDOLPH SMITH

PLAINTIFF

VS.

CIVIL ACTION NO. 3:04CV196BS

CHRISTOPHER EPPS

DEFENDANT

ORDER

This matter came before the court on the Plaintiff's Letter of October 12, 2006, which the court construed as a Motion to Enforce Settlement and required the Defendant to respond. The Plaintiff claimed that he had been taken to a dentist at the South Mississippi Correctional Institution, in breach of the settlement agreement he executed with the Defendant. The Plaintiff argued that he should have been taken to a free world dentist. The Defendant has responded by providing the court with a Consultation Report that demonstrates that the Plaintiff has been seen by a specialist since the date that he wrote his letter. That specialist has treated the atrophy in the Plaintiff's lower ridge and ordered implants.

Correspondence sent from the court to the Plaintiff's most recent reported address at SMCI has been returned. A review of the Mississippi Department of Corrections' website indicates that the Plaintiff has been moved from SMCI to the Central Mississippi Correctional Facility. For these reasons, the court is satisfied that the Defendant is attempting in good faith to comply with the terms of the settlement agreement.

IT IS, THEREFORE, ORDERED that the Motion to Enforce Settlement is hereby **denied**.

IT IS SO ORDERED, this the 8th day of October, 2006.

S/James C. Sumner
UNITED STATES MAGISTRATE JUDGE